HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION NO.5131 OF 2006

BETWEEN

Abdul Aleem

.....**Petitioner**

And

Government of Andhra Pradesh rep. by its secretary, Education Department, Hyderabad & others

.....**Respondents**

::O R D E R::

Counsel for the Petitioner : Shri V.V.L.N. Sarma

Counsel for the Respondent Nos. 1,2 and 5 : Government Pleader for School Education

Counsel for the Respondent No.3 : Shri C. Sudesh Anand

Counsel for the Respondent Nos.4 and 6 : None

Dated: 06.04.2006

Per G.S. SINGHVI, CJ

In this petition filed in the name of public interest litigation, petitioner Abdul Aleem has prayed for issuance of a direction to respondent Nos. 1 to 5 not to permit respondent No.6 to fill up B.Ed. seats in Telugu/English medium by admitting candidates other than those belonging to Muslim minority and that too in excess of 15% quota.

The petitioner has averred that he is a member of muslim minority community and in that capacity he is interested in ensuring that respondent No.6, which has been declared as a minority institution does not admit candidates of other communities. He has further averred that out of 200 available seats, the management of respondent No.6 is intending to fill only 50 seats in Urdu medium and the remaining 150 seats are sought to be filled by admitting candidates who have opted for Telugu/English medium. To substantiate his assertion, the respondent No.6 is seeking to fill majority of seats by admitting candidates who have opted for Telugu/English medium, the petitioner has placed on record advertisement dated 09.03.2006 issued by respondent No.6. According to him, after going through the advertisement, he contacted respondent Nos. 4 and 5, but they have not taken action against respondent No.6.

In the context of the averments contained in the affidavit filed in support of the writ petition, we enquired from the learned counsel as to what is the status of the petitioner in the society in general and the Muslim community in particular, what is his peculiar interest in advancing the cause of Urdu language, whether he represented to the concerned authorities of the School Education Department and other officers to bring to their notice the

alleged irregularities being committed by respondent No.6 in admitting candidates to the B.Ed. course, but learned counsel could not give any satisfactory reply on either of these points.

The writ petition is also conspicuously silent regarding any effort made by the petitioner to bring to the notice of the authorities of the concerned Department that respondent No.6 is making admissions in violation of the declared policy of the Government.

In view of the above, we are constrained to observe that the petitioner has failed to discharge his primary duty to bring the relevant facts to the notice of the Court and also to establish his locus as a public-spirited person for seeking intervention of the Court.

For the reasons mentioned above, the writ petition is dismissed. However, liberty is given to the petitioner to represent to the official respondents bringing to their notice the alleged irregularities being committed by respondent No.6 in admitting students to B.Ed. courses.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

06.04.2006
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